

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CUSTOMER NO. 22927

Applicants: WALKER et al.
Application No.: 09/316,546
Filed: May 21, 1999
Title: METHOD AND APPARATUS FOR PROCESSING CREDIT
CARD TRANSACTIONS

Attorney Docket No. 99-012

Group Art Unit: 3693
Examiner: KARMIS, Stefanos

PETITION

To Withdraw Holding of Abandonment

Under 37 C.F.R. § 1.181(a)

MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

To Whom It May Concern:

The present Application was abandoned for failure to timely respond to the Final Office Action mailed November 7, 2008. Please see enclosed copy of Notice of Abandonment dated July 6, 2009. Applicants herein Petition to withdraw the holding of abandonment.

Applicants did in fact respond to this Office Action by faxing a Notice of Appeal on February 9, 2009 to the United States Patent Office Central Fax (571-273-8300). An auto-reply facsimile transmission was generated and received by the Applicants on February 9, 2009 (copy of the facsimile with auto generated reply enclosed).

Conclusion

For the foregoing reasons, Applicants maintain that the present Application was not abandoned, consequently Applicants respectfully request the abandonment be vacated and prosecution reopened.

Fees

No fees are believed to be due for the Petition. Applicants hereby authorize the Commissioner to charge any additional fees associated with this Petition or credit any overpayment to Deposit Account No. 50-0271.

July 10, 2009
Date

/Michael Downs 50252/
Michael D. Downs
PTO Registration No. 50,252
Attorney for Applicants
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/316,546

05/21/1999

JAY S. WALKER

99-012

7943

22927

7590

07/06/2009

WALKER DIGITAL MANAGEMENT, LLC
2 HIGH RIDGE PARK
STAMFORD, CT 06905

EXAMINER

KARMIS, STEFANOS

ART UNIT

PAPER NUMBER

3693

MAIL DATE

DELIVERY MODE

07/06/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of Abandonment

Application No.

09/316,546

Examiner

STEFANOS KARMIS

Applicant(s)

WALKER ET AL.

Art Unit

3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 07 November 2008.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

/Stefanos Karmis/
Primary Examiner, Art Unit 3693

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

COPY 99-012

Auto-Reply Facsimile Transmission



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02/09/2009 07:04 FAX 203 461 7300 WALKER DIGITAL 0001

203.461.7000/phone
203.461.7300/fax

**WALKER DIGITAL
MANAGEMENT, LLC**

fax

To: USPTO Central Fax From: Greg Vanuto
Patent Counsel

Fax: 571-273-8300 Pages: 2

Phone: Application No. 09/018,646 Date: February 9, 2009
Attorney Docket No. 99-012 Phone: 203-461-7313

Urgent ☒ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

NOTICE OF APPEAL

Applicants: Walker et al.
Title: METHOD AND APPARATUS FOR PROCESSING CREDIT CARD TRANSACTIONS
Application No. 09/018,646
Attorney Docket No. 99-012
Confirmation No. 7943

Notice of Appeal (previously paid \$500 dollars on July 9, 2007) Please deduct \$48.00 from our deposit account 50-0271.
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PAGE 10 / 0001 A1 202029 8-00113-091 (REMARKS) WALKER DIGITAL WALKER DIGITAL 02/09/2009 07:04 FAX 203 461 7300

203.461.7000/phone
203.461.7300 /fax

**WALKER DIGITAL
MANAGEMENT, LLC**

fax

To: USPTO Central Fax

From: Greg Venuto

Patent Paralegal

Fax: 571-273-8300

Pages: 2

Phone:

Date: February 9, 2009

Re: Application No. 09/316,546
Attorney Docket No.99-012

Phone: 203-461-7313

Urgent

☒ **For Review**

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NOTICE OF APPEAL

Applicants: Walker et al.

Title: METHOD AND APPARATUS FOR PROCESSING CREDIT CARD TRANSACTIONS

Application No. 09/316,546

Attorney Docket No. 99-012

Confirmation No. 7943

Notice of Appeal (previously paid \$500 dollars on July 9, 2007) Please deduct \$40.00 from our deposit account 50-0271.

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(Fax No. 571.273.8300) on February 9, 2009.

Dated: February 9, 2009. By: Gregory Venuto

Gregory Venuto

Gregory Venuto

NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Docket Number (Optional)

99-012

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____

Signature _____

Typed or printed
name _____

In re Application of
Walker et al.

Application Number
09/316,546

Filed
May 21, 1999

For **Method and Apparatus for Processing.**

Art Unit
3693

Examiner
Karmis, Stenos

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))

\$ **40.00**

☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:

\$ _____

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. **50-0271**.

☐ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒ attorney or agent of record. **50,252**
Registration number _____

☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34. _____

Michael D. Downs

Typed or printed name

(203) 461-7292

Telephone number

February 9, 2009

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ "Total of **1** forms are submitted.

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**WALKER DIGITAL
MANAGEMENT, LLC**

fax

To: USPTO Central Fax

From: Greg Venuto

Patent Paralegal

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Pages: 2

Phone:

Date: February 9, 2009

Re: Application No. 09/316,546
Attorney Docket No.99-012

Phone: 203-461-7313

Urgent

☒ For Review☐ Please Comment☐ Please Reply☐ Please RecycleNOTICE OF APPEAL

Applicants: Walker et al.

Title: METHOD AND APPARATUS FOR PROCESSING CREDIT CARD TRANSACTIONS

Application No. 09/316,546

Attorney Docket No. 99-012

Confirmation No. 7943

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Thank you.